

**District IV Advisory Board  
Meeting Minutes  
October 1, 2003  
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The District IV Advisory Board Meeting was held at 7:00 p.m. at the Stanley Neighborhood Center. In attendance were eight (8) District Advisory Board Members, eight (8) staff and approximately twenty (20) citizens present with fifteen (15) signing in.

**Members Present**

Wayne Wells  
Rex Gray  
Jim Benton  
Jerry McGinty  
Doug Leeper  
Ed Koon  
Brian Dehler  
Tom Engelman  
Council Member Paul Gray

**Staff Present**

Donna Goltry, Planning  
John Schlegel, Planning  
Officer Richard Mellard, Police  
Officer Roets, Police  
Deb Legge, Central Inspection  
Randy Sparkman, Central Inspection  
Roger Smith, Environmental Health  
Dana Brown, City Manager's Office

**Members Absent**

Iola Crandall  
Paul Ward

**Guests**

Listed on page 5

**Order of Business**

**Call to order**

The meeting was called to order at 7:03 p.m.

Approval of the meeting **minutes for September 3, 2003** was deferred until the next meeting because they were not included in the Board's agenda packets.

The **agenda for the October 1, 2003 meeting** was approved as written (Koon/Benton).

**Public Agenda**

*The Public Agenda allows members of the public to present matters to the District Advisory Board. Each presentation is limited to a period of five minutes unless extended by the Board.*

No items were presented to the board.

**Staff Presentations**

**Randy Sparkman and Deb Legge, Office of Central Inspection**, provided information on their separate divisions and an update of actions taken to date for the year.

**Sparkman** began by saying that his areas of work include enforcing the codes for zoning, licensing, and signs. He also said that his staff checks establishments that serve liquor for a current license and help Police with identifying and removing graffiti. Sparkman also serves on the Special Events Approval Committee, ensuring the special events held on public property have the appropriate permits & licenses for their event.

**Legge** said that her staff enforced the housing and zoning code with the majority of their work focused on housing. She said they work with a number of other departments & staff, including Environmental Health,

Police, City Manager's Office, Neighborhood Assistants, and District Advisory Boards. She reported that eleven (11) inspectors work in separate areas of the community to inspect for violations. Like Sparkman, Legge also assists with timely removal of graffiti. Her staff organizes and conducts neighborhood cleanups, approximately 80 each year. In the housing violations, the staff works with property owners to repair more than destroy in an effort to avoid condemnation. One change in the past year that has helped with identifying & addressing violation sites has been the Unified Enforcement Code for Nuisances in the neighborhoods. This initiative allows OCI, Police, and Environmental Health staff to identify all violations, regardless of which department/office enforces the code, and enter by address in a tracking system. Abatement is also a significant part of the Unified Enforcement initiative, allowing the City to abate the nuisance if not removed by the property owner in a certain number of days. The City contracts with services to abate and then charges the cost on the property owner's taxes. Neighborhood Courts held in the evenings at several sites including Neighborhood City Halls allow residents to plead their case to a judge.

**Wells** asked if confiscated signs were available that neighborhoods could use for notification purposes. **Legge** said she could probably provide some but reminded the Board and citizens that the signs could not be placed on city right of way. Legge provided a brochure with contact numbers for her and Sparkman.

**Action: Receive and file.**

### **Revisions to City's Massage Ordinance**

**Roger Smith, Environmental Health**, presented information on the history of the massage ordinance and how the code has become no longer enforceable, as written, due to outdated language, illegal or outdated requirements, and unnecessary physical testing. He said the main changes proposed for permitting include required education and insurance. Required education hours would change from 150 hours to 500 hours and the therapist or business would be required to carry liability insurance. He said that grandfathering had been proposed for those who currently practice on a license obtained with a minimum of 150 hours. If practicing therapists have no hours of education, they will have 48 months to obtain the required number of hours. Smith said the department had worked with massage therapists and the City's Law Department to develop the proposed changes to the ordinance.

**Lee Luckingbill** introduced herself as president of the Central Kansas Massage Therapists organization and said that she owns a massage therapy school in Wichita, which is capable of providing the education needed by the therapists. She said that 500 hours is low in contrast with other communities. She also said that the grandfathering was fair for current therapists without education hours.

**Council Member Paul Gray** asked about current students who are nearing the end of their training but don't have the 500 hours—Will they be required to earn additional hours, or will they be grandfathered? Luckingbill said they would be grandfathered if they began the training program previous to any changes made to the current ordinance.

**Leeper** asked if other schools are available in Wichita to which **Luckingbill** said two schools exist. **Leeper** also asked what the proposed additional 300 hours would include. **Luckingbill** identified several applicable areas, provided information on these areas, and said that the areas would be included in the competency test. **Benton** asked if continuing education hours in certain areas were also required to which **Smith** said the areas were listed in the ordinance. **Luckingbill** said that students could "test out" of the test for their original license.

**McGinty (Benton)** moved that the proposed changes to the ordinance be recommended for approval. Motion passed 8:0.

**Action: Board recommended that Council approve the proposed changes to City Code, Chapter 3.56, pertaining to the Massage Ordinance (8:0).**

### **Planning Agenda**

#### **ZON2002-00003**

Before presenting the request, **Donna Goltry, Metropolitan Area Planning Department (MAPC)**, introduced the new MAPC Director, John Schlegel. She also introduced the applicant/property owner, Michael Marks, and the applicant's agent, Kirk Miller.

**Goltry** then explained the request was for a zone change from "SF-5," Single Family to "GC," General commercial for one parcel. The request is associated with CUP2002-00002 for an adjacent parcel. Both properties are generally located north of I-235 and east of West Street. Calvert Street runs along the north side of the subject property and the property site has no direct frontage to West Street. She reported that a great exchange had occurred among the owner and agent, and the residents of the neighborhood.

Goltry then provided an overview of the Planning Report for each parcel including the recommendations for conditions. She pointed out that commercial development would not really be in character with the residential development to the north. Also noted was a strong preference from the neighborhood for residential or civic use such as a park or church, that commercial development be limited to Neighborhood Office, "NO," and have requested a bike path. The developer had responded to the resident desires by limiting the intensity of commercial uses on Parcel 1, restricting Parcel 2 to GO uses, and allowed the possibility of a residential development. He has also agreed to a 15-foot bike path easement along I-235 for future use.

**McGinty** asked how many buildings could be placed in each parcel to which **Goltry** said that wasn't estimated due to the variety as uses allowed in each zoning. She said it would be considered during the site plan review. **Mark Hauser**, 3927 W. 32<sup>nd</sup> Street, stated that the total number of buildings could not exceed 30% of the total square feet of area. **Benton** asked if the backsides of the building would face the neighborhood. **Goltry** said they would but buffering and screening would be required.

**Margaret Wulton**, 3350 S. Knight, asked about access to which **Goltry** said traffic from West Street would access Calvert from the east end of the subject property and access points in & out of the subject property have been suggested at Leonine and either Illinois or Calvert Court.

**Terry Sharon**, address not given, stated that she was most interested in the use of the subject property and access to the area on the west end. She said that the houses across the street faced Calvert and had driveways that opened onto Calvert, which would cause access points across from these homes to create a traffic problem. She said that changing the nature of the street from mainly residential use to business use, which could include 24-hour use, would greatly impact traffic & safety. She added that the neighborhood residents had changed their response from the previously proposed use of the subject property to a more positive response for the new proposal; however, she said, residents still had concerns. She said she didn't understand why the zone change request was changed from Single Family to Limited Commercial, and skipped over Neighborhood Office. She said the residents really preferred General Office. She also asked why the staff would recommend approval when the findings are negative.

**Marks** responded that Wiegand was asked to assess the property for use as residential and recommended against residential use as currently configured. Marks said he has been a Wichita resident for a number of years and has no intention of degrading the community through using the property in a manner that would depreciate the home values in the area. He said that he was actually trying to enhance the neighborhood.

**Sharon** remarked that other businesses owned by Marks, such as the scrap metal & recycling, concerned her but **Council Member Gray** pointed out that each zoning category allowed only certain uses and this zoning request would limit the uses accordingly. **M. Hauser** noted the list of uses in the public notice to which Goltry said that some had been deleted and many others could be deleted. **Council Member Gray** said the drive-through restaurant had been deleted.

**Leeper** ask if Marks had completed his points while previously speaking. **Marks** said he had wanted to clarify that he would not be placing a scrap & recycling business at the subject property. **Sharon** said she was also concerned about any 24-hour businesses. **Marks** said the residents had asked for zoning with less intensive use and a dedicated easement, and he had responded to both requests. A **member of the public** asked Marks if he had developed other properties such as those allowed with Limited Commercial to which **Marks** said no, but he wants to work with the neighborhood and have control over what is placed there. He said that he could envision facilities such a YMCA or library branch, or a restaurant such as Village Inn. The **citizen** said he wanted the zoning request to change from Limited Commercial to General Office. **Miller** said the possibility of a restaurant is low because restaurant owners prefer to locate in the same vicinity of other restaurants. He also said that not a lot of hotels are being built right now.

**M. Hauser** said the area residents had written a letter of response in which issues of safety and commercial truck traffic were noted. He said that another point was how the staff report included several negative

comments about the request but still recommended approval. **Pat Hauser**, 3927 W. 32<sup>nd</sup> Street, said the letter of protest has 383 signatures. **Wilton** said their main concern is traffic and **P. Hauser** added that the trucks create a dangerous situation.

**Engleman** asked about lighting conditions proposed by the applicant to which **Miller** reported that down lighting would be limited to 25-feet. **Hauser** asked if Calvert Street were to be widened to which Miller said it would be widened to 35-feet plus signalization. **Goltry** acknowledged a perception of increased traffic but the uses allowed did not actually generate much traffic. In addition, a deceleration lane is part of the proposed plan. **M. Hauser** noted the projected traffic numbers in the staff report as not supportive of the perceived traffic numbers.

A **member of the public** asked who is responsible for maintenance of the easement along the 99-foot wide Protection Drainage Ditch that separates the site from Calvert Street on the east end of the application area. **Goltry** said the City was responsible for the 12-foot wide easement.

**Sheridan** said he had lived in the area since 1975 and was concerned that truck traffic would make the streets unsafe. He also said that flooding is a current issue and paving will only add to it. **Miller** said the drainage had to be addressed during the platting phase and that drainage construction would be included. **Don Rice**, 3303 S. Kessler, asked how the construction of the drainage system would be paid. **Miller** said the applicant would pay for the Calvert right-of-way plus 99' to equal the designated radius area that would be assessed to him. He said that box culverts would probably be constructed and entryways would be widened.

**Benton** asked if "No Parking" signs would be posted along Calvert and was told that Traffic Engineering would review the need during the site plan review.

**Donna Gilleure**, 3922 Calvert, said that the residents basically do not want Limited Commercial zoning. **McGinty** asked if the identified concerns for the resident were the Limited Commercial zoning and the traffic? **Leeper** asked to see the petition. **Koon** referred to Item H, Page 9 of a legal response from the Eighteenth Judicial District Court regarding a judgment filed by the applicant challenging the City's decision to deny a previous request to change the zoning and amend a Community Unit Plan. The response item states that from a legal standpoint, *"opposition of the neighbors is not, standing alone, sufficient basis to deny a request for a change of zoning that otherwise meets the legal criteria."* (Arkenberg v. City of Topeka, 1966)

**Rice** asked if the decision on the zoning request was a legal or political decision. **Council Member Gray** said it actually is both. **M. Hauser** stated that part of the area is actually a conservation area as noted in the Sedgwick County Land Use Guide.

**Wells** said that he had two comments: (1) He is encouraged that the applicant and the residents are working together, and (2) The District Advisory Board decision would most like not considered by the MAPC and Council.

**Benton (McGinty)** moved that the west parcel be changed to General Office and the east parcel to Neighborhood Office. Motion passed 6:2.

**Action: The Board recommended by a vote of 6:2 that the west parcels be changed to GO, General Office, and the east parcel be changed to NO, Neighborhood Office.**

#### **Community Police Report**

Police Officers were called away from the meeting before this point in the agenda.

**Action: No action taken.**

#### **Board Agenda**

**Council Member Gray** asked the Board Members if they had reports for their neighborhood associations.

**Engelman, Park Homeowner Association (HOA)**, reported that they had a very success cleanup day. He said the HOA meets the second Thursday of each month.

**Wayne Wells, Delano Neighborhood Association**, said their association president had been working with the Downtown Development Corporation in their efforts to develop a funding plan and a master plan for a proposed water walk along the river. Wells also said that some interest exists for establishing a Delano Business neighborhood association to include businesses along Douglas between Seneca and McLean. In addition, Wells reported that he had assisted with the McCormick Neighborhood cleanup and that it was huge. He then reminded everyone about Delano Days on October 12<sup>th</sup> from 12:00 noon to 5:00 p.m.

**Rex Gray, Southwest Village**, said the neighborhood had their annual picnic recently and the rain had forced them to go inside. The employees at the branch Library nearby had been very kind to allow them use of the library to finish their picnic & meeting. The group is now working on their annual auction.

**Dehler, Orchard Breeze Neighborhood Association**, said that they would meet on October 2. He said he had met the new Community Police Officer for their area and he seemed to be very much in touch with the neighborhood.

**McGinty, Southwest Neighborhood Association**, said their association met last week & had a speaker on Operation Holiday. He reported that the shopping center at Seneca & 31<sup>st</sup> had received a request from the Operation Holiday coordinators to be a drop-off and distribution site this year. He said their next meeting is October 28<sup>th</sup>

**Wells** reminded everyone about the Bloom grants available for neighborhood projects through Wichita Independent Neighborhoods (WIN). He also said he had firewood to give for residents who heat their home with wood and have a special need due to financial difficulty.

**McGinty** said he had a major concern about the need for a traffic light at MacArthur and Gold where a school is located. He said that school traffic had created some major traffic problems. Staff said they would ask Traffic Engineering to check the situation.

**Council Member Gray** asked for any further issues. With none presented, the meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Dana Brown  
Neighborhood Assistant Supervisor

**Guests**

Pat Houser	3922 W. 32 <sup>nd</sup> Street
Mark Houser	3922 W. 32 <sup>nd</sup> Street
Terry Sharon	Did not sign in
Bill Gale	Did not sign in
Margaret Wilton	3350 S. Knight, 67217
Alice Wunnenbey	2815 W. 30 <sup>th</sup> Street
Robert A. Sheraden	3233 S. Knight
Kirk Miller	516 S. Market
Marjorie Griffith	713 Savannah
Lee Luckingbill	435 N. Mosley
Alice Dale	10549 W. Rita
Mike Marks	815 E. Gilbert
Dorothy Marks	815 E. Gilbert
Susan Myers	700 Rolling Hills Drive, Clearwater
Donald Rice	3303 S. Kessler
Brandon Ragey	1702 Dallas, 67212
Loretta Neft	3219 S. Knight